

18TH JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERVILLE

STATE OF LOUISIANA

DOCKET NO. 78953

DIVISION "A"

AUGUST J. LEVERT, JR., FAMILY, LLC; RONALD R. LEVERT; PAUL M. LEVERT;
MARK W. LEVERT, JR.; JOHN E. SANFORD; JAMES L. SANFORD; and CAMPO E.
MATENS

VERSUS

BP AMERICA PRODUCTION COMPANY

FILED: _____

DEPUTY CLERK OF COURT

ORDER

Considering BP America Production Company's ("BP") Limited Admission for Environmental Damage Pursuant to La. R.S. 30:29 and BP's *Ex Parte* Motion for Mandatory Referral to the Louisiana Department of Natural Resources for the Development of the Most Feasible Plan Pursuant to La. R.S. 30:29 and Incorporated Memorandum in Support:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

(1) Pursuant to Louisiana Code of Civil Procedure article 1563 and La. R.S. 30:29, BP enters a limited admission for the environmental damage, as defined by La R.S. 30:29, on the Subject Property in Limited Admission Areas 1, 2, and 3 depicted on Exhibit A and which are described as follows:

- A. Limited Admission Area 1: There exists evidence of actual or potential impact to the Discontinuous Shallow Water Bearing Zone¹ in Limited Admission Area 1 depicted on Exhibit A. Limited Admission Area 1 is associated with a now closed pit formerly located on the Iberville Parish School Board Property. BP's limited admission within Limited Admission Area 1 is for environmental damage, if any, to groundwater.
- B. Limited Admission Area 2: There exists evidence of actual or potential impact to the soil and to the Discontinuous Shallow Water Bearing Zone in Limited Admission Area 2 depicted on Exhibit A. Limited Admission Area 2 is associated with the Schwing-

¹ "Discontinuous Shallow Water Bearing Zone" means the Class 3 groundwater present intermittently occurring between approximately eleven to sixteen feet beneath the ground surface.

Levert No. 1 (SN 120453) and the Schwing-Levert No. 1-D (SN 121454). BP's limited admission within Limited Admission Area 2 is for environmental damage, if any, to soil and groundwater.

C. Limited Admission Area 3: There exists evidence of actual or potential impact to the soil and to the Discontinuous Shallow Water Bearing Zone in Limited Admission Area 3 depicted on Exhibit A. Limited Admission Area 3 is associated with the Schwing-Levert No. 2 (SN 123040).² BP's limited admission within Limited Admission Area 3 is for environmental damage, if any, to soil and groundwater.

(2) Pursuant to Louisiana Code of Civil Procedure article 1563, BP's responsibility is hereby limited to implementing the Most Feasible Plan to evaluate, and if necessary, remediate all or a portion of the environmental damage, if any, in Limited Admission Areas 1, 2, and 3 to applicable regulatory standards.

(3) Pursuant to Louisiana Code of Civil Procedure article 1563, this matter is referred to the Louisiana Department of Natural Resources, Office of Conservation ("the Department"), to conduct a public hearing to approve or structure a plan which the Department determines to be the Most Feasible Plan to evaluate or remediate the environmental damage in Limited Admission Areas 1, 2, and 3 under applicable regulatory standards pursuant to the provisions of La. R.S. 30:29.

(4) Within thirty (30) days of the signing of this Order, BP shall develop and submit a plan to the Department and the Court for the evaluation or remediation of the environmental damage, if any, in Limited Admission Areas 1, 2, and 3 to applicable regulatory standards. BP's Plan shall be submitted to the Department by certified mail with return receipt requested.

(5) Within thirty (30) days of the submission of BP's Plan, Plaintiffs shall submit to the Department and the Court comments, input, or their own plan in response to BP's Plan. Plaintiffs' comments, input, or plan shall be submitted to the Department by certified mail with return receipt requested.

² Limited Admission Areas 1, 2, and 3 depicted on Exhibit A and which are more particularly described in Paragraphs (1)A to (1)C herein are hereinafter collectively referred to as "Limited Admission Areas 1, 2, and 3."

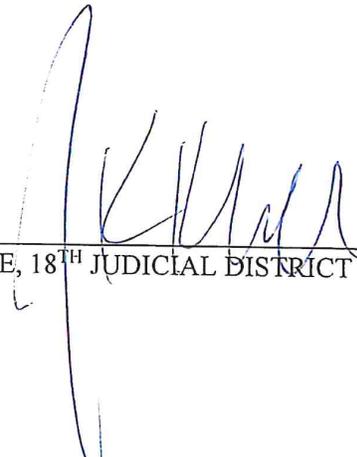
(6) Within sixty (60) days of the submission of Plaintiffs' comments, input, or plan in response to BP's Plan, the Department shall conduct a public hearing on the plan or plans submitted BP and Plaintiffs. Within sixty (60) days of the conclusion of the public hearing, the Department shall file with the Court a final plan, or if applicable a preliminary plan pursuant to La. R.S. 30:29(C)(3)(b), based on the evidence submitted which the Department determines to be the Most Feasible Plan to evaluate or remediate the environmental damage in Limited Admission Areas 1, 2, and 3 and protect the health safety, and welfare of the people. The Department shall issue written reasons for the plan it approves or structures.

(7) The Department shall submit to the Court a schedule of estimated costs for review of the plans or submittals of the parties by the Department.

(8) Any further proceedings with respect to the plan submitted by BP, the Department, or Plaintiffs shall be conducted pursuant to the procedures set forth in La. R.S. 30:29.

(9) BP's limited admission for environmental damage shall not be construed as an admission of liability for damages under La. R.S. 30:29(H), nor shall BP's limited admission of liability for environmental damage result in a waiver of any rights or defenses of BP.

THUS DONE AND SIGNED, this 26th day of October 2022, at New Roads, Louisiana.



JUDGE, 18TH JUDICIAL DISTRICT COURT

PLEASE NOTIFY
ALL PARTIES

FILED
2022 OCT 26 P 2:08

IBERVILLE, LOUISIANA

-3-

FILED

2022 OCT 27 P 2:05

IBERVILLE, LOUISIANA